

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 2003BOGOTA00002

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E.O. 12958: N/A
TAGS: PGOV, PREL, PTER, PREF, SNAR, PHUM, KJUS, SOCI, CO
SUBJECT: GOC JUSTICE PROGRAM IN ARAUCA A MODEL FOR OTHER
CONFLICTIVE ZONES

REF: A. BOGOTA 8316
B. BOGOTA 10907

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1. (U) SUMMARY: IN NOVEMBER 2001, THE FISCALIA FORMED THE "ESTRUCTURA DE APOYO" (EDA), OR "AID STRUCTURE," TO ADDRESS THE FREQUENT ATTACKS AGAINST THE CANO LIMON-COVENAS PIPELINE, AND TO INTERDICT THE ARMS, NARCOTICS, AND PRECURSOR CHEMICAL TRAFFIC IN ARAUCA DEPARTMENT. THE EDA, AS IT IS KNOWN, IS A COOPERATIVE EFFORT OF THE COLOMBIAN ARMY (COLAR) AND SEVERAL GOC LAW ENFORCEMENT AGENCIES, INCLUDING THE FISCALIA (PROSECUTOR GENERAL), PROCURADORIA (INVESTIGATOR GENERAL), ADMINISTRATIVE DEPARTMENT OF SECURITY (DAS), THE JUDICIAL POLICE (DIJIN), AND THE TECHNICAL INVESTIGATIVE UNITS (CTI) OF THE COLOMBIAN NATIONAL POLICE (CNP). FUNDED BY THE GOC PARASTATAL OIL COMPANY ECOPETROL AND US OIL COMPANY OCCIDENTAL PETROLEUM, EDA HAS BEEN HIGHLY SUCCESSFUL IN REDUCING THE FREQUENCY AND SEVERITY OF ATTACKS ON THE PIPELINE (170 IN 2001 VS. 41 IN 2002). THE KEY TO EDA'S SUCCESS HAS BEEN THE CLOSE COORDINATION BETWEEN EDA'S MEMBERS AND THE COLAR: EDA TEAM MEMBERS WORK AND SLEEP ON THE COLAR 18TH BRIGADE BASE, ACCOMPANY THE MILITARY TO POTENTIAL CRIME SCENES TO COLLECT AND ANALYZE EVIDENCE, AND HELP THE MILITARY

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COMPLY WITH ITS LEGAL OBLIGATIONS UNDER THE "REHABILITATION ZONE" LAWS. COOPERATION BETWEEN THE EDA'S FISCALES AND THE COLAR HAS BEEN SO CLOSE OVER THE PAST ELEVEN MONTHS THAT NOT ONCE DID THE 18TH BRIGADE NEED TO RESORT TO USING THE "EMERGENCY POLICE POWERS" CONFERRED UPON THEM BY PRESIDENT URIBE'S DECREE 2002. INSTEAD, EVERY ARREST AND EVERY SEARCH IN ARAUCA, EXCEPT FOR VOLUNTARY SEARCHES, HAS BEEN CONDUCTED PURSUANT TO A WARRANT ISSUED BY THE FISCALIA. IN THIS WAY, EDA AND THE COLAR HAVE BEEN ABLE TO REDUCE PIPELINE ATTACKS BY EIGHTY PERCENT. END SUMMARY.

CREATION OF THE EDA

2. (U) SINCE 1986, THE CANO LIMON PIPELINE IN ARAUCA DEPARTMENT HAS GENERATED AN ESTIMATED \$1.2 BILLION IN REGIONAL ROYALTIES, AND ANOTHER \$800 MILLION IN NATIONAL ROYALTIES. HOWEVER, THE PIPELINE HAS BECOME AN INCREASINGLY POPULAR TARGET FOR THE FARC AND THE ELN. BETWEEN 1986 AND 2001, THE PIPELINE WAS ATTACKED A TOTAL OF 918 TIMES -- 170 TIMES JUST IN 2001. DESPITE THE FREQUENCY OF ATTACKS, ONLY TWO INDIVIDUALS WERE EVER CONVICTED AND PUNISHED. FACED WITH AN IMPUNITY CRISIS IN ARAUCA, AND COGNIZANT OF THE IMPORTANCE OF THE REGION'S OIL REVENUES FOR COLOMBIA, IN NOVEMBER 2001 THE FISCALIA CREATED THE ESTRUCTURA DE APOYO (EDA), OR "AID STRUCTURE." EDA IS THE FIRST ATTEMPT TO UNITE THE INVESTIGATIVE AND PROSECUTORIAL POWERS OF THE FISCALIA,

TECHNICAL INVESTIGATION UNIT (CTI) OF THE COLOMBIAN NATIONAL POLICE, THE JUDICIAL POLICE DIRECTORATE (DIJIN), THE PROCURADORIA (INVESTIGATOR GENERAL) AND THE ADMINISTRATIVE DEPARTMENT OF SECURITY (DAS), WITH THE PROTECTIVE CAPACITY OF
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THE COLOMBIAN ARMY. EDA IS BUILT OF TWO SMALL, NARROWLY-FOCUSED TEAMS, TASKED TO INVESTIGATE AND ANALYZE CRIMES, AND TO CONDUCT INTELLIGENCE-DRIVEN OPERATIONS AGAINST THE ILLEGAL ARMED GROUPS. EACH TEAM HAS ONE FISCAL, ONE CTI FORENSIC INVESTIGATOR, AND ONE MEMBER FROM DIJIN, DAS, AND THE PROCURADORIA. EDA MAINTAINS ITS OFFICES IN THREE TRAILERS LOCATED ON THE 18TH BRIGADE COMPOUND. WHILE IN ARAUCA, EDA TEAM MEMBERS SLEEP ON THE COMPOUND, IN FOUR DORMITORY TRAILERS, AND ARE ACCOMPANIED BY COLAR SECURITY DURING THEIR TRAVELS WITHIN THE DEPARTMENT. IN THIS WAY, THE ARMY IS ABLE TO BETTER PROTECT EDA MEMBERS FROM POTENTIAL THREATS FROM THE ILLEGAL ARMED GROUPS.

3. (U) EDA WAS FOUNDED WITH FINANCIAL ASSISTANCE FROM THE GOC PARASTATAL OIL COMPANY ECOPETROL, AND FROM OCCIDENTAL PETROLEUM COMPANY ("OXY"). THE PROGRAM WAS STARTED WITH A BLOCK GRANT OF USD \$593,000 TO THE FISCALIA AND THE PROCURADORIA, SIXTY PERCENT OF WHICH WAS PAID BY ECOPETROL AND THE REST BY OXY. THE MONEY WAS USED TO PURCHASE THE OFFICE AND DORMITORY TRAILERS, INVESTIGATIVE EQUIPMENT, COMMERCIAL AIR TRAVEL, VEHICLES AND FUEL, OFFICE SUPPLIES, AND TO HIRE OFFICE SUPPORT STAFF. (NOTE: IN ADDITION TO DIRECTLY FUNDING EDA'S FIRST YEAR OF OPERATION, ECOPETROL AND OXY ALSO DONATED ON A 60/40 BASIS USD \$1,712,000, TO SUPPORT COMMUNITY PROGRAMS THROUGH THE JOINT ECOPETROL-OXY COMMUNITY RELATIONS PROGRAM ENTITLED "FUNDACION EL ALCARAVAN." EL

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ALCARAVAN ACTIVELY PROMOTES IMPROVED FARMING PRACTICES
THROUGH RESEARCH AND APPLIED TECHNOLOGY, IS TEACHING LOCAL
FARMERS TO DIVERSIFY CROPS TO INCLUDE BANANAS, SUGAR CANE,
CROPS, CACAO, AND LIVESTOCK, AND CONDUCTS BUSINESS TRAINING
PROGRAMS. EL ALCARAVAN ALSO WORKS TO IMPROVE COORDINATION
BETWEEN LOCAL GOVERNMENT AGENCIES, PRIVATE INSTITUTIONS, AND
COMMUNITY LEADERS. END NOTE.)

4. (U) EDA WORKS CLOSELY WITH THE 18TH BRIGADE IN SEVERAL
WAYS: SHARING INTELLIGENCE TO DEVELOP ANTI-CRIME STRATEGIES,
ANALYZING CRIME SCENES AND PRESERVING EVIDENCE, AND BRINGING
CASES TO JUSTICE. EDA'S FISCALIA ALSO CONSULTS WITH THE
COLAR TO ASSURE THAT THE ARMY'S LAW ENFORCEMENT-RELATED
ACTIVITIES COMPLY WITH COLOMBIAN RULE OF LAW AND PROCEDURE.
IN A TYPICAL CASE, AN EDA TEAM WILL WORK SIDE BY SIDE WITH
ITS 18TH BRIGADE COUNTERPARTS TO COLLECT AND EVALUATE
INFORMATION. LEADS COME FROM MANY SOURCES, INCLUDING
MILITARY TECHNICAL AND HUMAN INTELLIGENCE AND INFORMANTS

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DEVELOPED BY EDA'S FIELDWORK. ONCE CRIMINAL ACTIVITY IS SUSPECTED, EDA AND THE 18TH BRIGADE WORK TOGETHER TO DEVISE A PLAN TO TAKE MILITARY CONTROL OF THE SITE, SO THAT EDA'S TEAM CAN SAFELY INVESTIGATE AND COLLECT EVIDENCE. TYPICALLY, ARMY
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TROOPS LAND FIRST TO SECURE THE SUSPECTED CRIME SCENE, WITH THE EDA TEAM FOLLOWING SHORTLY THEREAFTER. HOWEVER, WHEN COMMANDO TACTICS ARE NECESSARY TO PREVENT THE DESTRUCTION OF EVIDENCE, EDA MEMBERS WILL ACCOMPANY THE COLAR DURING THE RAID, AND ARE OFTEN EXPOSED TO COMBAT CONDITIONS. ONCE THE SCENE HAS BEEN SECURED, THE FISCAL CONDUCTS THE PREDETERMINED SEARCHES AND ARRESTS, WHILE THE TEAM'S CTI AND DIJIN INVESTIGATORS COLLECT REPRESENTATIVE SAMPLES OF ANY WEAPONS, NARCOTICS, PRECURSOR CHEMICALS OR OTHER CONTRABAND DISCOVERED AT THE SCENE, TO BE USED AS EVIDENCE IN ANY SUBSEQUENT PROSECUTION. THE TEAM'S PROCURADOR (INVESTIGATOR GENERAL) IS PRESENT TO ASSURE THAT THE ACTIVITIES OF EDA AND THE COLAR COMPLY WITH COLOMBIAN CRIMINAL PROCEDURE, DUE PROCESS, AND HUMAN RIGHTS LAWS.

5. (U) EVEN AFTER PRESIDENT URIBE'S SEPTEMBER 11, 2002 EMERGENCY DECREE 2002 (WHICH GRANTED SEARCH AND SEIZURE POWERS TO THE COLAR IN SPECIAL REHABILITATION ZONES LIKE ARAUCA - SEE REF A), THE COLAR NEVER CONDUCTED A WARRANTLESS SEARCH OR SEIZURE. ACCORDING TO BOTH THE FISCALIA AND 18TH BRIGADE COMMANDER GEN. LEMUS, BEFORE THE DECREE, THE ARMY WOULD SUBMIT ITS INTELLIGENCE INFORMATION TO EDA'S FISCALES, WHO WOULD THEN ISSUE AND EXECUTE AN APPROPRIATE SEARCH WARRANT. WHILE THE "EMERGENCY POLICE POWERS" OF DECREE 2002 WERE IN EFFECT, FROM SEPTEMBER 11 TO NOVEMBER 26 (WHEN THEY WERE DEEMED UNCONSTITUTIONAL BY THE GOC CONSTITUTIONAL COURT - REF B), THE ARMY ALWAYS OBTAINED A SEARCH WARRANT FROM THE FISCALIA BEFORE CONDUCTING ANY SEARCH OR SEIZURE OPERATION. THE ONLY CHANGE UNDER THE DECREE, ACCORDING TO GEN. LEMUS, WAS THAT ARMY PERSONNEL WERE ABLE TO CONDUCT SEARCHES BY THEMSELVES, WHEN A FISCAL COULD NOT BE PRESENT BECAUSE OF
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SECURITY CONCERNS. GEN. LEMUS AND THE EDA FISCALES AGREED THAT THE ARMY NEVER EXERCISED ITS DECREE 2002 "EMERGENCY POLICE POWERS" TO PERFORM A WARRANTLESS SEARCH OR SEIZURE. AFTER THE CONSTITUTIONAL COURT'S NOVEMBER 26 DECISION DECLARING THE COLAR'S "EMERGENCY POLICE POWERS" UNCONSTITUTIONAL, EDA'S FISCALES AGAIN BECAME THE ONLY ONES THAT CAN CARRY OUT SEARCH AND SEIZURE ORDERS. (NOTE: THE COLAR RECEIVED CRITICISM IN EARLY NOVEMBER FOR ROUNDING UP

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SEVERAL HUNDRED CIVILIANS IN THE FARC/ELN STRONGHOLD OF SARAVENA, ARAUCA, TO CONDUCT CRIMINAL BACKGROUND CHECKS. EIGHTY-FIVE WERE DETAINED ON SUSPICION OF COLLABORATING WITH THE ILLEGAL ARMED GROUPS. OF THOSE, 45 WERE SENT TO BOGOTA FOR FURTHER INVESTIGATION, AND 37 WERE FINALLY HELD. THE GOC BROUGHT IN MORE THAN 100 SPECIAL AGENTS TO EVALUATE INFORMATION AND TO ISSUE ARREST AND SEARCH WARRANTS. END NOTE.)

6. (U) THE COLAR 18TH BRIGADE HAS CONDUCTED VOLUNTARY SEARCHES OF PRIVATE RESIDENCES IN ARAUCA. UNDER THE "REGISTRO VOLUNTARIO" PROGRAM IN EFFECT IN ARAUCA AND THE TWO OTHER REHABILITATION ZONES, THE MILITARY IS ENTITLED TO REQUEST PRIVATE CITIZENS TO ALLOW THE MILITARY TO CONDUCT A BASIC SEARCH FOR WEAPONS, UNREGISTERED RADIO EQUIPMENT, EXPLOSIVES, AND OTHER PROHIBITED MATERIALS. PRIVATE CITIZENS ARE ENTITLED TO REFUSE THE SEARCH REQUEST, AND TO DEMAND THAT THE COLAR PRESENT A WARRANT FROM THE FISCALIA PRIOR TO

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CONDUCTING THE SEARCH.

EDA'S SUCCESS

7. (U) IN ITS FIRST 11 MONTHS OF OPERATION, EDA HAS BEGUN TO RESTORE LAW AND ORDER TO ARAUCA: THE PIPELINE WAS ATTACKED ONLY 41 TIMES IN 2002, DOWN FROM THE ALL-TIME HIGH OF 170 ATTACKS IN 2001. WORKING TOGETHER, EDA AND THE COLAR INTERCEPTED ANOTHER 47 ATTACKS, ARRESTING MORE THAN 60 SUSPECTS IN THE PROCESS. EDA INTERLOCUTORS ATTRIBUTE THE SHARP DROP IN THE NUMBER OF ATTACKS TO EDA'S HAVING CAPTURED MANY OF THE "EXPLOSIVES EXPERTS" RESPONSIBLE FOR PLANNING AND IMPLEMENTING THE ATTACKS. MORE THAN 380 SUSPECTED NARCOTRAFFICKERS, ARMS TRAFFICKERS, MONEY LAUNDERERS AND COMMON CRIMINALS HAVE BEEN ARRESTED BY EDA AND THE COLAR THIS YEAR, NEARLY TWICE THE NUMBER CAPTURED IN 2001. EDA HAS ALSO HAD REMARKABLE SUCCESS AGAINST THE ILLEGAL ARMED GROUPS IN SARAVENA, AND THE FARC 10TH FRONT IN THE CITY OF ARAUCA (DISCUSSED ABOVE). EDA CONFISCATED 234 MILLION PESOS (USD \$94,000) FROM THOSE SUSPECTED OF USING THE FUNDS TO PURCHASE EXPLOSIVES FOR TERRORIST ATTACKS AGAINST THE PIPELINE. EDA HAS ALSO CONDUCTED 183 WARRANT-BASED AND VOLUNTARY SEARCHES,

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COLLECTED 72 WITNESS REPORTS, AND MONITORS 375 ACTIVE
CRIMINAL INVESTIGATIONS, WHICH MAY LEAD TO PROSECUTION.

COMMENT

8. (U) EDA'S STRATEGY TO INTEGRATE JUDICIAL POLICE POWERS WITH MILITARY PROTECTIVE CAPACITY AND MOBILITY HAS BEGUN TO

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TURN THE TIDE OF LAWLESSNESS IN ARAUCA. THE KEY TO LAW ENFORCEMENT SUCCESS IN ARAUCA WAS NOT THE "EMERGENCY POLICE POWERS" AFFORDED TO THE MILITARY UNDER DECREE 2002; RATHER, IT WAS AND CONTINUES TO BE THE CLOSE COOPERATION BETWEEN THE GOC'S EXISTING LAW ENFORCEMENT AGENCIES AND THE COLOMBIAN ARMY. THE EDA IS ONLY ONE YEAR OLD, BUT ITS BENEFICIAL IMPACT IS UNDENIABLE. AS THE URIBE ADMINISTRATION STRUGGLES TO WORK AROUND THE CONSTITUTIONAL COURT'S DECISION TO DENY POLICE POWERS TO THE MILITARY, EDA PRESENTS A VIABLE, AND MORE IMPORTANTLY, CLEARLY CONSTITUTIONAL ALTERNATIVE TO GRANTING THE POLICE POWERS TO THE ARMED FORCES.
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